

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:11CR189
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ABDIAZIZ YOSUF MOHAMED,)	
)	
Defendant.)	

This matter is before the Court sua sponte following a hearing in this case on January 3, 2012. During the hearing, counsel for the defendant informed the Court that he had been fired from the case over the weekend prior to trial. As a result, counsel indicated he could not represent defendant at the trial scheduled to begin that morning. Defendant likewise agreed that he had fired his counsel, did not wish to proceed with the trial, and intended to hire new counsel. The Court gave defendant thirty days to obtain new counsel. However, the Court further indicated it intended to assess jury costs against the defendant due to his failure to obtain replacement counsel until the eve of trial. On further review, the Court has determined it cannot assess jury costs against the defendant. The Eighth Circuit has limited jury costs in criminal cases to those items that appear in 28 U.S.C. § 1920. *United States v. Mink*, 476 F.3d 558, 563-64 (8th Cir. 2007). Jury costs are not included in § 1920. Accordingly, the Court has determined that it will not assess costs against the defendant in this case and its previous order for assessment of costs is hereby vacated.

IT IS SO ORDERED.

DATED this 3rd day of January, 2012.

BY THE COURT:

s/ Joseph F. Bataillon

United States District Judge